

CITY COUNCIL REPORT



Meeting Date: September 13, 2016
 General Plan Element: *Economic Vitality*
 General Plan Goal: *Sustain Scottsdale as a tourist destination*

ACTION

Farmers Markets Regulations. Adopt Ordinance No. 4273 amending Chapter 22 sections 22-3 and 22-7 of the Scottsdale Revised Code regarding special events to add provisions for farmers markets.

BACKGROUND

The revised Special Events Ordinance (Ordinance No. 4242) took effect July 1, 2016. The ordinance limits special event frequency to no more than 24 total days during the calendar year and no more than 10 total days in any calendar quarter, unless specified otherwise.

The ordinance does specify other frequency limits for seasonal sales, special vehicle sales, and sidewalk sales, but not for farmers markets. Farmers markets are typically held on a regular weekly basis throughout the growing season, which is longer than 10 total days per quarter and 24 total days per year. Although license agreements could be used for farmers markets held on city property to be held more frequently, there is no provision for farmers markets occurring on private property to exceed the ordinance limits.

At the July 6, 2016 City Council meeting, Council discussed the need to revise the ordinance to allow farmers markets at a greater frequency than other special events. Staff committed to come back with amendments that increase the allowed frequency for farmers markets.

ANALYSIS & ASSESSMENT

To develop the proposed amendments, staff researched farmers market definitions and limits in a number of local and national cities, including Austin, Texas, and Gilbert and Phoenix, Arizona; as well as relevant organizations, including the USDA and the Farmers Market Coalition.

Research showed that farmers markets were generally defined as more than one farmer/grower selling primarily locally-farmed produce, foods, plants, etc. occurring consistently at the same location with standard hours of operation. In terms of frequency, in some instances, farmers markets occur twice a week. For example, Phoenix has the successful Uptown Farmers Market that takes place weekly on Wednesday's and Saturday's on private property.

For the definition of a farmers market, staff proposes the following language:

“Farmers market means a recurring special event at which multiple vendors primarily sell locally-made, prepared or grown fresh produce, flowers or plants, food products or food to the general public at a fixed location on a consistent basis with standard hours of operation.”

Because Scottsdale is receptive to creating healthy communities, staff proposes that a farmers market may occur once a week for a total of 52 days per year. Farmers markets would still be subject to the other Special Events Ordinance regulations including special event application review, approval and permit whether on public or private property.

With the addition of the farmers market definition, the other definitions in the Special Events Ordinance will be reordered and placed in alphabetical order.

In a related matter, staff has been working with the Old Town Farmers Market to prepare a five-year license agreement for the current location at the Old Town Parking Garage located on Brown Avenue between First and Second streets. This item will be placed on an upcoming Council meeting prior to the reopening of the Old Town Farmers Market on October 15.

RESOURCE IMPACTS

Available funding

No additional funding is needed.

Staffing, Workload Impact

The workload associated with these changes can be covered by the existing employees assigned to administer special events.

STAFF RECOMMENDATION

Adopt Ordinance No. 4273 amending Chapter 22 sections 22-3 and 22-7 of the Scottsdale Revised Code regarding special events to add provisions for farmers markets.

RESPONSIBLE DEPARTMENT(S)

Tourism & Events Department

STAFF CONTACTS (S)

Cheryl Sumners, Events Manager, csumners@scottsdaleaz.gov;

Karen Churchard, Tourism & Events Director, kchurchard@scottsdaleaz.gov.

APPROVED BY



Karen Churchard, Tourism & Events Director
480-312-2890, kchurchard@ScottsdaleAZ.gov



8.29.16

Date



Brian K. Biesemeyer, Acting City Manager
480-312-2811, bbiesemeyer@ScottsdaleAZ.gov

8.29.16

Date

ATTACHMENTS

1. Ordinance No. 4273

ATTACHMENT 1

ORDINANCE NO. 4273

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 22, SECTIONS 22-3 AND 22-7 OF THE SCOTTSDALE REVISED CODE REGARDING SPECIAL EVENTS TO ADD PROVISIONS ON FARMERS MARKETS

WHEREAS, the Scottsdale City Council approved a Special Events Ordinance on March 15, 2016 that was effective July 1, 2016; and

WHEREAS, the City wishes to amend the Special Events Ordinance to add provisions to address farmers markets and to make minor technical changes.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. That sections 22-3 and 22-7 of the City of Scottsdale Revised Code are amended as follows with deleted language shown with strikethroughs and new language shown with grey shading.

Sec. 22-3. – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning.

Applicant means any person or organization that seeks a permit from the City to conduct a special event governed by this Chapter.

City Manager means the City Manager as appointed pursuant to the City's Charter and includes the City Manager's designee.

Concessions means food, beverage, alcohol, merchandise or convenience items.

Farmers market means a recurring special event at which multiple vendors primarily sell locally made, prepared or grown fresh produce, flowers or plants, food products or food to the general public at a fixed location on a consistent basis with standard hours of operation.

Grand opening means the introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership or location.

Seasonal sales means an outdoor sale of seasonal materials, and is limited to fireworks, pumpkins and Christmas trees.

Sidewalk sale is an outdoor sale conducted by the owner of a retail establishment of products normally sold within the retail establishment.

Special event means an organized, temporary activity or series of temporary activities held outdoors, on public property or private property that is inconsistent with the legal use of the property under the City's Zoning Ordinance and open to the public by advertisement or invitation, with or without charge. Any reference to "special event" in the Code other than in this Chapter shall mean "special event" as defined herein.

Special events administrator means a City employee designated by the City Manager to administer the provisions of this Chapter.

~~*Grand opening* means the introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership or location.~~

~~*Seasonal sales* means an outdoor sale of seasonal materials, and is limited to fireworks, pumpkins and Christmas trees.~~

~~*Sidewalk sale* is an outdoor sale conducted by the owner of a retail establishment of products normally sold within the retail establishment.~~

Special vehicle sale means a short term or seasonal sale of vehicles.

Sec. 22-7. – Special Event Limits.

(a) A special event shall not occur more than 10 consecutive or 24 total days during the calendar year and, of the 24 calendar days per year, no more than 10 total days in any calendar quarter, unless otherwise provided by this Chapter;

(b) An art-related special event shall not be approved by the special event administrator in the area of Downtown Scottsdale, as defined in the Downtown Character Area Plan, if it conflicts with a scheduled Thursday night Artwalk.

~~(c) A farmers market shall not be held on a property more than once per week and no more than 52 times per calendar year.~~

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2016.

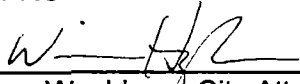
CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Carolyn Jagger, City Clerk

W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:



Bruce Washburn, City Attorney
By: William Hylan
Senior Assistant City Attorney